

Application No. 10/810,370

REMARKS

Claims 1 to 19 are pending in the application. The claims have been subjected to a restriction requirement and claims 2, 15, 16, and 19 have been withdrawn from consideration. Claims 1, 3 to 14, 17, and 18 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing particularly to point out and distinctly to claim the subject matter that Applicants regard as the invention. Claims 1, 3 to 11, and 18 stand rejected under 35 U.S.C. §112, first paragraph for lack of enablement for various embodiments encompassed in claims 1 and 18.

With respect to the rejection under §112, second paragraph, the Examiner has stated that recitation of "compounds" in claims 1 and 3 to 18 renders these claims indefinite because it is not clear whether a mixture of compounds as in a composition is claimed or a single compound from the group of compounds being claimed.

While Applicants are of the position that the claims in their original form clearly indicate that any single compound is within the scope of the claim, to facilitate prosecution, Applicants have amended the claims as indicated, and believe that these amendments eliminate any possible basis for this ground for rejection.

Further with respect to the rejection under §112, second paragraph, the Examiner has stated that claim 7 is indefinite as it states "wherein the substituents are hydroxy...", that it is not clear what substituents are being referred to, that this claim depends from claim 6, that claim 6 does not relate to such substituents, and further that the number of substituents in claim 7 are not defined, so that their structure remains unknown.

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Applicants respectfully traverse this ground for rejection. Claim 7 depends from claim 6, which recites that at least one of R₁, R₂, R₃, R₄, R₅, and R₆ is a substituted alkyl group, a substituted aryl group, a substituted arylalkyl group, or a substituted alkylaryl group. Claim 7 recites the specific substituents on the substituted alkyl group, substituted aryl group, substituted arylalkyl group, or substituted alkylaryl group. To clarify this matter, Applicants have added clarifying language to claim 7. Regarding the number of substituents, any number of substituents and combination of substituents is encompassed and intended to be encompassed in the claim. For example, "phosphine groups" include -PH₂ groups, -PHR groups, -PR₂ groups, -PR_xR_y groups, and the like. The possibility of inclusion of inoperative substances in a claim does not prevent allowance of broad claims. In re Kamal et al., 158 U.S.P.Q. 320 (CCPA 1968). A claim which is understandable and which defines the subject matter which Applicants regard as their invention meets the requirements of the second paragraph of §112. Id. Applicants are entitled to broad claims commensurate in scope with the invention as disclosed. Id. Accordingly, Applicants believe that claim 7 satisfies the requirements of §112, second paragraph and respectfully request reconsideration and withdrawal of this ground for rejection.

The Examiner has further stated that claim 7 is improper because it recites substituents which are not recited in claim 1, from which claim 1 ultimately depends.

Applicants disagree with this position. Claim 1 recites alkyl, aryl, arylalkyl, alkylaryl, and like groups. The specification at, for example, page 34, line 12 to page 42, line 4 defines these groups as

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encompassing both substituted and unsubstituted alkyl, aryl, arylalkyl, alkylaryl, and like groups. Accordingly, claim 7 properly depends from claim 1. Nonetheless, to facilitate prosecution, Applicants have amended claim 1 to include expressly the language from the specification that defines these groups as including all of these possibilities, and believe that these amendments eliminate any possible basis for this ground for rejection.

With respect to the rejection of claims 1, 3 to 11, and 18 under §112, first paragraph, the Examiner has stated that while the specification, while being enabling for triazine compounds of the formula shown in claim 1 wherein Z and Y are NR_1R_2 and there are no reactive substituents as recited in claim 7, does not reasonably provide enablement for compounds of the formulae shown in claim 1 wherein Z and Y are OR_1 or SR_1 and the compound is variously substituted with functional groups and reactive groups which are susceptible to the process embraced in claim 18. The Examiner is of the position that the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Regarding the Examiner's position that claim 7 recites reactive groups which are susceptible to the process embraced in claim 18, to facilitate prosecution, Applicants have amended claim 7 to remove therefrom functional groups that would interfere with the process embraced in claim 18. Applicants believe that this amendment eliminates any possible basis for this ground for rejection.

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With respect to the Examiner's position that while the specification is enabling for triazine compounds of the formula shown in claim 1 wherein Z and Y are NR_1R_2 , it is not reasonable enabling for compounds of the formulae shown in claim 1 wherein Z and Y are OR_1 or SR_1 , Applicants respectfully traverse this ground for rejection. One of ordinary skill in the art, equipped with the teachings of the instant specification, would be able to prepare the analogous compounds wherein Z and Y are OR_1 or SR_1 by analogous processes without undue experimentation. As indicated by the results of a SciFinder search attached hereto, analogous reactions between cyanuric chloride and alcohols and thiols are known to work. Applicants are thus of the position that this particular step of the process would not present any difficulty to one of ordinary skill in the art given the teachings of the instant specification, and accordingly respectfully request reconsideration and withdrawal of this ground for rejection.

Applicants believe that the foregoing amendments and distinctions place the claims in condition for allowance, and accordingly respectfully request reconsideration and withdrawal of all grounds for rejection.

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In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Applicant(s) attorney, Judith L. Byorick, at Telephone Number (585) 423-4564, Rochester, New York.

Respectfully submitted,



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